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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,332	08/02/2001	Eric Lawrence Barsness	IBM / 189	5017
26517	7590	06/16/2006	EXAMINER	
WOOD, HERRON & EVANS, L.L.P. (IBM)			BEKERMANN, MICHAEL	
2700 CAREW TOWER			ART UNIT	
441 VINE STREET			PAPER NUMBER	
CINCINNATI, OH 45202			3622	

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,332

Applicant(s)

BARSNESS ET AL.

Examiner

Michael Bekerman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to communications filed on 4/5/2006.

Specification

1. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 103

2. **Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Messina (U.S. Pub No. 2004/0172415).**

Regarding claims 1-6, 8, 9, 17-21, 23, 24, and 31, Messina teaches a crawler module (operating over a communications network) that searches through multiple message boards and news groups (inherently accessible to multiple individuals) posting advertisements in reply to particular messages whenever the messages are relevant to the advertisement. Messina teaches the crawler module as retrieving postings, and this is taken to be receiving (Paragraph 0075). Messina doesn't specify the original message as containing a query, however Messina does teach the crawler module as only replying to particular messages. Applicant explains in the specification that query detection algorithms are well known in the art (Page 17, Lines 21-22). It would have been obvious to one having ordinary skill in the art at the time the invention was made

to restrict Messina's crawler module to reply to only queries using a well-known query detection algorithm to augment the crawler's logic. This would better target a message-board user as one who is seeking advice, so that user might not frown upon an advertisement as a reply. Any reply (Messina's replies identify information sources) to a query is taken to be an answer to that query.

Regarding claims 7 and 22, Messina does not specify message boards and news groups as having memberships. Official notice is taken that it is old and well known for message boards to require membership. Message boards have required users to register nick names (or handles) so that no one can impersonate anyone else. It would have been obvious to one having ordinary skill in the art at the time the invention was made to require membership to Messina's message boards.

Regarding claims 10, 12, 13, 25, and 27, Messina's crawler module searches through forums. The exchange of messages from one person to another is taken to be chat. The message board contains these messages, and therefore is taken to be a virtual chat room.

Regarding Claims 11 and 26, Messina doesn't specify the crawler module as searching through and responding to emails. Official notice is taken that a listserv is a type of newsgroup that is operated over email. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the crawler module search messages in any type of electronic community including a listserv. This would allow the invention to reach more users.

Regarding claims 14 and 28, if there is a message posted on an electronic community, that message can inherently be responded to (or answered).

Regarding claims 15 and 29, Messina doesn't specify whether the crawler module determines if a post has already been answered. It would have been obvious to one having ordinary skill in the art at the time the invention was made to not answer the same post twice. Users would not appreciate the spam otherwise.

Regarding claims 16 and 30, Messina teaches the posting of links to various websites, online forums, and newsgroups. These are all taken to refer to different advertisements, and a selection process to determine what to post is inherent.

Response to Arguments

3. In response to the objection of the specification, Applicant argues the hyperlinks contained within the specification are "not active links, but rather are merely examples of suitable advertisements" and are therefore not objectionable. Applicant does not need the hyperlink example to comply with 112 1st paragraph. Someone could one day register <http://www.BobsCajunCooking.com>. This link could one day become active and should be removed from the specification, regardless if it is currently active or not.

4. Regarding the 103(a) rejection, Examiner has added the reference paragraph that was used to the rejection above. Applicant argues that Messina "does not disclose or suggest specifically searching for a first message that includes a query directed to a topic of interest" and "there is no suggestion in the reference that the exemplary message might include a specific reply to the query posed in the message being

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responded to". Since Examiner's rejection was a 103, Messina does not need to teach or recite every limitation of the claimed invention.

5. Applicant continues to argue, "Examiner relies solely on Applicant's disclosure ...to provide evidence of a motivation to modify Messina". Examiner would like to point out that Messina does not limit his crawler module to questions, but to all types of posts. Messina teaches replying to the specific content of a post. The crawler could be looking for posts with question marks (Applicant admits such technology is well known), and therefore, there is a reason to combine Applicant's admitted prior art with the reference.

6. Applicant further continues to argue that Messina "also fails to disclose or suggest...a second message may be generated with a specific reply to that query". Messina Paragraph 0075 Sentence 3 recites "Some embodiments even reply directly to specific retrieved postings with such messages".

7. Applicant argues that "Messina discloses only replies to messages, not replies to queries included in messages". Examiner would like to point out that the content of a message board post and the content of a reply to that post is non-functional descriptive material. Whether the user posts "I like Cajun cooking!" or "Does anyone else like Cajun cooking?" or "How much is that doggy in the window?", Messina's crawler module contains the same functionality as Applicant's claimed invention.

8. Applicant argues to have "clearly distinguished the concept of an "answer" from a "reply". Examiner would like to point out that any individual who posts to an online message board (community) is inherently asking the question "what do you think about what I have to say". Any response to this inherently asked question would therefore be

an answer to that question. Based on all of the above analysis, the 103 rejection still stands.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bekerman whose telephone number is (571) 272-3256. The examiner can normally be reached on Monday - Friday, 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric W. Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JEFFREY D. CARLSON
PRIMARY EXAMINER